

REMARKS

1. This Amendment is responsive to the final Office Action mailed March 13, 2007. Claims 1, 2 and 4-34 are pending. Claims 11, 16, 17, 19, 20, 23 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,855,660 to Danny Wright et al. ("Wright"). Claims 1, 2, 4, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wright, and further in view of U.S. Pat. No. 4,838,856 to Patrick Mulreany et al. (Mulreany). Claims 12-15, 21-22, 25-29, and 31-34 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright and U.S. Patent No. 6,659,980 to Sheldon Moberg et al. ("Moberg"). Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright, Mulreany and Moberg. Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright, Mulreany and U.S. Publication No. 2003/0235409 to Douglas Harriman et al. ("Harriman"). Claim 9 is rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright and U.S. Patent No. 6,208,107 to Rudolph Maske et al. ("Maske"). Claim 18 is rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright and Harriman. Claim 30 is rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright, Moberg and Harriman.

2. Claims 11, 16, 17, 19, 20, 23 and 24 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,855,660 to Danny Wright et al. ("Wright"). Claim 11 has been amended to add the limitations corresponding to those of dependent Claims 14 and 15. Amended Claim 11 is allowable because neither Wright nor Moberg, discussed below, teach a motor controller or current driver responsive to an output from a temperature or over-pressure sensor. Accordingly, Claim 11 is allowable, as are dependent Claims 12-24.

3. Claims 1, 2, 4, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,855,660 to Wright et al. ("Wright"), and further in view of U.S. Pat. No. 4,838,856 to Patrick Mulreany et al. (Mulreany). The Office Action admits that Wright teaches none of the limitations of Claim 1, but does teach a computer memory. Office Action, p. 3, line 18, to p. 4, line 1. The Office Action then states that Wright teaches a computer memory. These claims do not, however, specifically recite a computer or a memory. Claim 2, for instance, does not recite merely storage, but how the position of the pump cycle and the electrical current value are related to each other.

The Office Action then states that Mulreany teaches all the limitations of the claims, while admitting that Mulreany does not teach or suggest that pump position or flow rate are used as separate factors. Office Action, p. 4, lines 10-14. Using a flow rate and a position of a pump cycle as separate factors in a method for determining a desired electric current value is not simply a design choice, but a new method of driving the infusion pump. The rejection does not even contend that Mulreany uses position in a pump cycle as a factor in determining the electrical current value. The Office Action admits that Wright does not teach all the claim limitations, and does not even contend that Mulreany so teaches or suggests. The Office Action thus fails to make out a prima facie rejection, and Claims 1, 2, 4, and 10 are allowable.

4. Claims 12-15, 21-22, 25-29, and 31-34 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright and U.S. Patent No. 6,659,980 to Sheldon Moberg et al. ("Moberg"). The Office Action admits that Wright fails to teach a stepper motor with an output responsive to temperature changes or back pressure changes. Office Action, p. 5, lines 5-9. Moberg is then cited for these teachings. For the back-pressure sensor, Moberg col. 6, lines 6-14 and col. 9, lines 18-45, are cited. These passages, and nearby passages, teach only that pressure is noted by a pressure sensor and that three output alarm levels can warn the user or generate a signal. There is no teaching or suggestion, in Wright or Moberg, however, that the motor controller or current driver is responsive to the back pressure signal. Moberg also fails to teach or suggest a motor controller or current driver responsive to a temperature sensor. The passage cited, col. 19, lines 21-25, teaches only how to compensate for drift in temperature sensors, but are silent on how this compensation or the temperature sensor itself are used. Thus, Moberg and Wright fail to teach at least the limitations of Claims 14, 15, 21, 22, 26, 27, 32 and 33, which are therefore allowable. Moberg does not mention tubing age.

The Office Action admits that Wright makes no mention of a controller responsive to changes in the age of the tubing. Office Action, p. 2, last three lines, to p. 3, lines 1. Even if a controller and a memory may store the age of the tubing, there is no teaching or suggestion of a controller or current driver responsive to the age of the tubing, i.e., a change in the computer program operating the motor to compensate for the age of the tubing. Accordingly, Claims 17 and 29 are also allowable. Nevertheless, to expedite prosecution of the application, Claim 25 has been amended to add a temperature or back pressure sensor in accordance with dependent Claims 26 and 27. The Examiner is respectfully requested to withdraw rejections of the claims.

5. Claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright, Mulreany and Moberg. The Office Action admits that Mulreany in view of Wright also fails to teach the step of modifying the electrical current value in response to temperature or distal pressure information. Office Action, p. 6, lines 10-12. By the same logic as discussed above for Claims 14, 15, 26, 27, 32 and 33, Wright and Moberg do not teach or suggest a motor controller or current driver responsive to a temperature sensor or to a back pressure sensor. This rejection cites the same passages as above, and therefore Claims 5 and 6 are allowable under the same rationale as Claims 14, 15, 26, 27, 32 and 33.

6. Claims 7 and 8 are rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright, Mulreany and U.S. Publication No. 2003/0235409 to Douglas Harriman et al. ("Harriman"). Claim 9 is rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright and U.S. Patent No. 6,208,107 to Rudolph Maske et al. ("Maske"). Claim 18 is rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright and Harriman. Claim 30 is rejected under 35 U.S.C. § 103(a) as being obvious in view of Wright, Moberg and Harriman. Claims 7-9 are allowable because they depend from allowable Claim 1. Claim 18 is allowable because it depends from allowable Claim 11, and Claim 30 is allowable because it depends from allowable Claim 25.

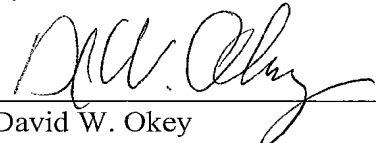
7. For the foregoing reasons Applicants submit respectfully that this case is in condition for allowance. If the Examiner has any questions regarding this case or Response, Applicants request that the attorney below be contacted. The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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March 30, 2007

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